

## Council Communication

Department: Community Development Case #ZC-10-006 Applicant: Community Development Department	Ordinance No. <u>6083</u>	City Council: 5-24-2010 Planning Commission: <del>04/13/10</del> 05/11/10 First Reading: 5-24-2010 Second Reading: 6-14-2010 Third Reading:
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### Subject

Request of the Community Development Department to rezone Lots 1 through 6, Block 4, all of Block 5, Lots 1 through 12, 23 and 24, Block 25, Lots 1 through 12, 23 and 24, Block 32, Lots 1 through 12, 23 and 24, Block 53, Lots 1 through 12, 23 and 24, Block 60, Lots 1 through 12, 23 and 24, Block 81, Lots 1 through 14, 27 and 28, Block 88, Lots 21 and 22, Block 89, all in Railroad Addition, and Out Lot 1, Acosta Subdivision from R-2/Two Family Residential to A-2/Parks, Estates and Agricultural and to rezone Blocks 6 and 7, Railroad Addition from C-2 Commercial to A-2/Parks, Estates and Agricultural and to rezone Blocks 8, 9 and 10, Railroad Addition from I-2/General Industrial to A-2/Parks, Estates and Agricultural. (These rezoning descriptions shall include any abutting vacated right-of-way.). This area is generally described as a strip of property (approximately 1/2 block wide) east of South 21<sup>st</sup> Street and north of 23<sup>rd</sup> Avenue running east to east of South 15<sup>th</sup> Street then turning south to south of 28<sup>th</sup> Avenue then running west to South 17<sup>th</sup> Street as shown on the attached map.

### Background

The Community Development Department is proposing to downzone the above described property from R-2/Two Family Residential, C-2 Commercial and I-2/General Industrial to A-2/Parks, Estates and Agricultural. The City owns the properties adjacent to I-80 which are used for the animal shelter, public utilities and detention cells. The area east of South 15<sup>th</sup> Street is questionable from a development perspective. These properties are not fully served with utilities and the street does not meet City standards. The cost of the necessary improvements, combined with the overhead electric transmission line, make the subject are unsuitable for residential development.

With the exception of three single family homes, the City owns the properties north of 23<sup>rd</sup> Avenue. During the past several years, the City has acquired these parcels for the purposes of adding green space along the railroad property and additional right-of-way for future reconstruction and widening of 23<sup>rd</sup> Avenue.

The existing single family homes north of 23<sup>rd</sup> Avenue and east of South 15<sup>th</sup> Street (a total of 4) will not be affected by the rezoning but the lots will become legally nonconforming due to the size (less than 3 acres).

No adverse comments have been received from any City department or utility.

All property owners within the area were notified, by mail, of the proposed rezoning. Two of those owners, Bill Phillips, 2210 South 17<sup>th</sup> Street and Doug Evans, 1412 23<sup>rd</sup> Avenue, have contacted the Community Development Department requesting additional information. Neither owner indicated any opposition to the proposal.

A letter from Deana Walocha, representing Adair Holdings, LLC (Lots 1 through 10, Block 81, Railroad Addition) has been received asking that this request be postponed. (This request was postponed from April, 2010.) A copy of that letter is attached.

Country Properties owns the vacated West 1/2 of South 19<sup>th</sup> Street abutting Block 9, Railroad Addition, which measures 33 feet by 165 feet. They are concerned that the proposed rezoning will have an adverse impact on the use of this property as a means of ingress and egress to their other properties to the northeast and northwest. A letter has been sent advising them that the rezoning will have no impact on this property and an access drive could be constructed regardless of the zoning.

### **Recommendation**

Because of the continued concerns of Adair Holdings, the Community Development Department recommends that the property lying east of South 15<sup>th</sup> Street, south of 23<sup>rd</sup> Avenue and north of 28<sup>th</sup> Avenue, being parts of Blocks 25, 32, 53, 60 and 81, Railroad Addition not be considered for rezoning at this time.

The Community Development Department also recommends rezoning Lots 1 through 6, Block 4, all of Block 5, Lots 1 through 14, 27 and 28, Block 88, Lots 21 and 22, Block 89, all in Railroad Addition, and Out Lot 1, Acosta Subdivision from R-2/Two Family Residential to A-2/Parks, Estates and Agricultural, rezoning Blocks 6 and 7, Railroad Addition from C-2 Commercial to A-2/Parks, Estates and Agricultural and rezoning Blocks 8, 9 and 10, Railroad Addition from I-2/General Industrial to A-2/Parks, Estates and Agricultural. (These rezoning descriptions shall include any abutting vacated right-of-way.)

### **Public Hearing**

Gayle Malmquist appeared before the Planning Commission in favor of the request. Bill Phillips, 1710 23<sup>rd</sup> Avenue appeared because he is concerned about the impact on his business. Jeremiah & Jessica Birdsall, 2523 Pavich Drive asked to have the north/south strip east of South 15<sup>th</sup> Street rezoned to A-2, which was part of the original case.

### **Planning Commission Recommendation**

The Planning Commission recommends rezoning the property as written in the recommendation.

VOTE: AYE 9 NAY 0 ABSTAIN 0 ABSENT 2 Motion: Carried

**Attachments:** Map showing proposed rezoning area.

**Prepared By:** Rebecca Sall, Planning Technician, Community Development Department.

405 N. 115<sup>th</sup> Street  
Ste 100  
Omaha, NE 68154  
402-399-9049 - Phone  
402-399-5350 - Fax

U. S. Assets, L.L.C.

VIA FACSIMILE AND U.S. MAIL

April 6, 2010

The City of Council Bluffs, Iowa  
Community Development Department  
Attention: Rebecca Sall, Planning Technician  
209 Pearl Street  
Council Bluffs, Iowa 51530

Fax no. (712) 328-4915

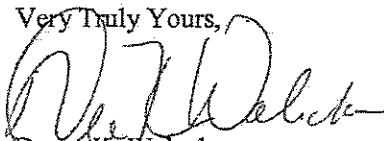
Re: Case #ZC-10-007

Dear Ms. Sall,

I am contacting you on behalf of Adair Holdings, L.L.C. My client is a property owner who owns property in the above referenced proposed rezoning case. They received the notice of the proposed rezoning and the hearing in front of the City Planning Commission on Tuesday April 13, 2010. I am contacting you on their behalf in the hopes that this hearing can be rescheduled to the City Planning Commission's May 11, 2010 meeting. My client simply has not had enough time to determine exactly how this proposed zoning change will affect their property. I am asking that this matter be tabled until the May meeting in order for my client to have a sufficient amount of time to evaluate this proposed change and its effects on their property interest. They very well may conclude that they do not oppose the change, however they need additional time to thoroughly evaluate the proposed change.

I thank you in advance for your assistance with this matter. If you have any questions, please call me at (402) 399-9049.

Very Truly Yours,

  
Deana K. Walocha  
Attorney at Law

COUNCIL BLUFFS  
COMMUNITY DEVELOPMENT DEPT.

APR 8 2010

RECEIVED

**PROPOSED REZONING TO A-2**

AT THIS TIME

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**CARLETON COLLEGE**

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26TH AVE

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8254

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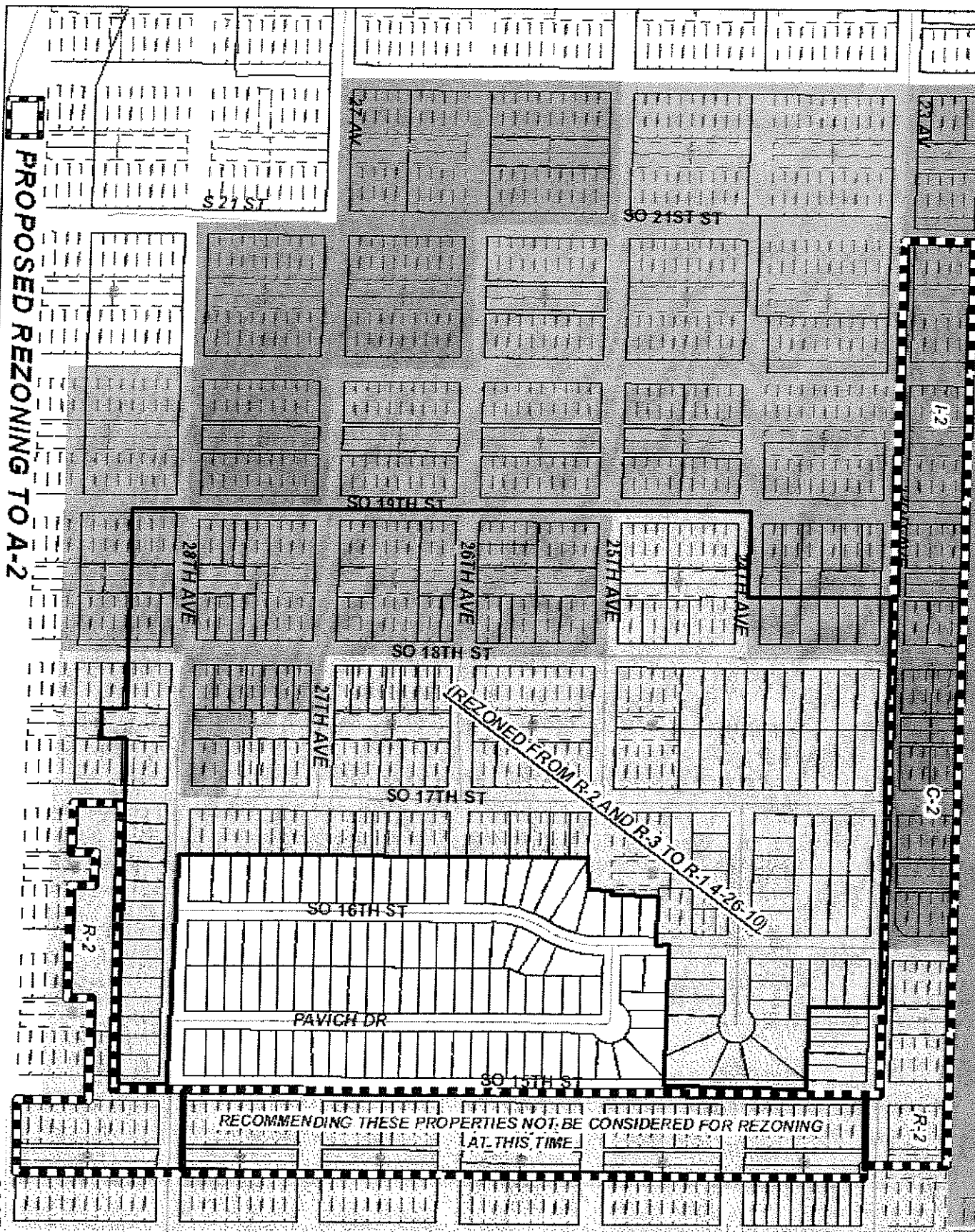
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PROPOSED REZONING TO A-2



RECOMMENDING THESE PROPERTIES NOT BE CONSIDERED FOR REZONING AT THIS TIME

Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620  
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

ORDINANCE NO. 6083

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF A STRIP OF PROPERTY (APPROXIMATELY ONE-HALF BLOCK WIDE) NORTH OF 23<sup>RD</sup> AVENUE FROM SOUTH 21<sup>ST</sup> STREET TO ONE-HALF BLOCK EAST OF SOUTH 15<sup>TH</sup> STREET AND PROPERTY SOUTH OF 28<sup>TH</sup> AVENUE FROM SOUTH 17<sup>TH</sup> STREET TO ONE-HALF BLOCK EAST OF SOUTH 15<sup>TH</sup> STREET (INCLUDING ANY ABUTTING VACATED RIGHT-OF-WAY), FROM R-2/TWO-FAMILY RESIDENTIAL DISTRICT, C-2/COMMERCIAL DISTRICT, AND I-2/GENERAL INDUSTRIAL DISTRICT, TO A-2/PARKS, ESTATES AND AGRICULTURAL DISTRICT, AS SET FORTH AND DEFINED IN CHAPTERS 15.09, 15.15, 15.21, AND 15.05 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of an approximately one-half block wide strip of property north of 23<sup>rd</sup> Avenue from South 21<sup>st</sup> Street to one-half block east of South 15<sup>th</sup> Street and property south of 28<sup>th</sup> Avenue from South 17<sup>th</sup> Street to one-half block east of South 15<sup>th</sup> Street as shown on the attached map, as follows:

Lots 1 through 6, Block 4; all of Block 5; Lots 1 through 14, 27 and 28, Block 88; Lots 21 and 22, Block 89, all in Railroad Addition, and Out Lot 1, Acosta Subdivision, from R-2/Two Family Residential to A-2/Parks, Estates and Agricultural; Blocks 6 and 7, Railroad Addition, from C-2/Commercial to A-2/Parks, Estates and Agricultural; Blocks 8, 9 and 10, Railroad Addition, from I-2/General Industrial to A-2/Parks, Estates and Agricultural. (These rezoning descriptions shall include any abutting vacated right-of-way.)

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED  
AND \_\_\_\_\_, 2010  
APPROVED

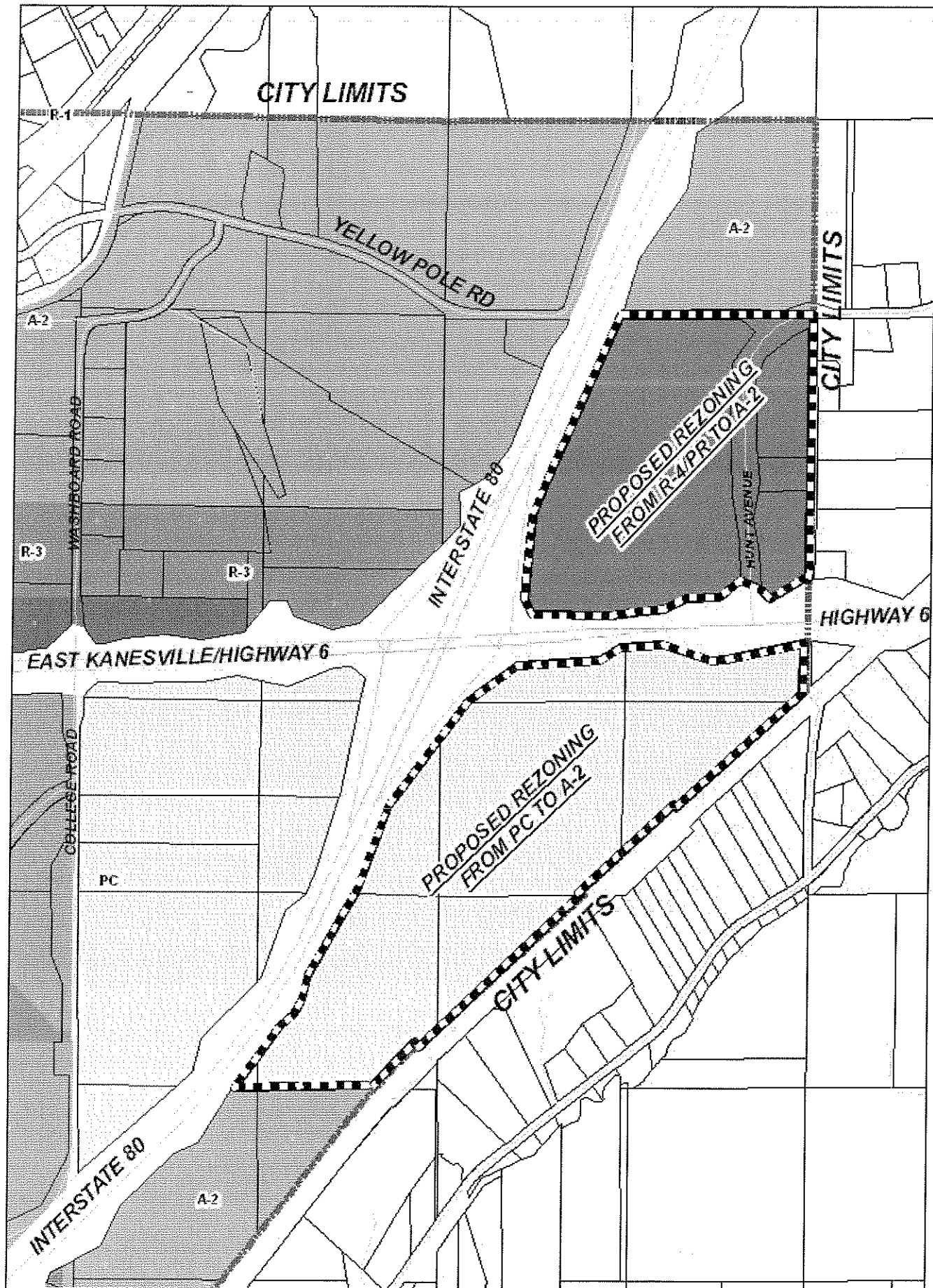
\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

ATTEST: \_\_\_\_\_  
MARCIA L. WORDEN City Clerk

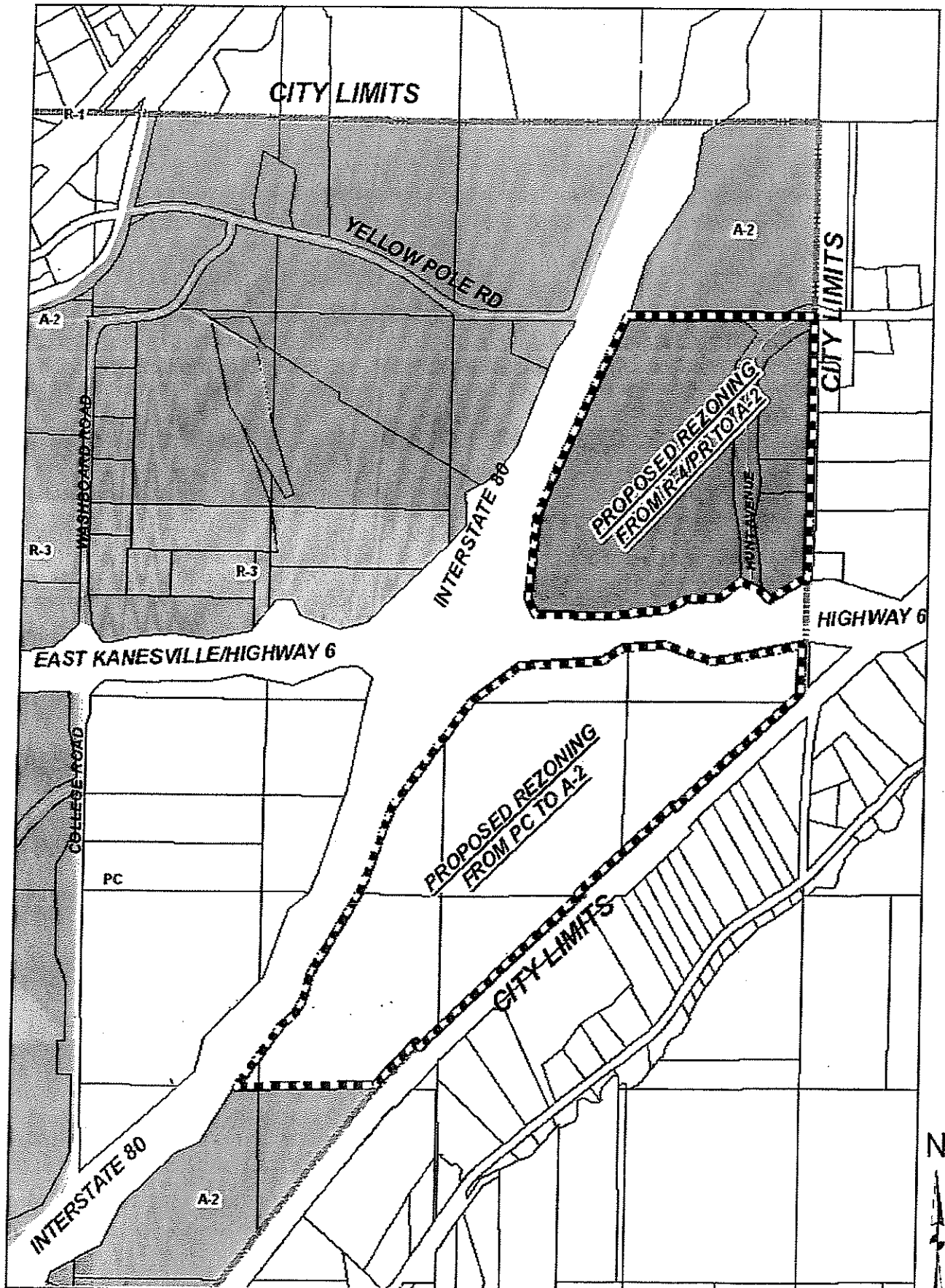
FIRST CONSIDERATION: May 24, 2010  
SECOND CONSIDERATION: June 14, 2010  
PUBLIC HEARING: June 14, 2010  
THIRD CONSIDERATION: \_\_\_\_\_

## Council Communication

<b>Department:</b> Community Development Case #ZC-10-008 <b>Applicant:</b> Community Development Department	<b>Ordinance No.</b> <u>6084</u>	<b>City Council:</b> 05/24/10 <b>Planning Commission:</b> 05/11/10 <b>First Reading:</b> 05/24/2010 <b>Second Reading:</b> 06/14/2010 <b>Third Reading:</b>
<b>Subject</b>		
<p>Request of the Community Development Department to rezone the S1/2 NW1/4 and the N1/2 SW1/4 of Section 22-75-43 lying East of I-80 and North of Highway 6/East Kanesville Boulevard from R-4/High Density Multi-Family Residential with a Planned Residential Overlay to A-2/Parks, Estates and Agricultural and also to rezone the SW1/4 of Section 22-75-43, the SE1/4 SE1/4 of Section 21-75-43, the NW1/4 NW1/4 of Section 27-75-43 and the NE1/4 NE1/4 of Section 28-75-43 all lying East of I-80, South of Highway 6/East Kanesville Boulevard and Northwest of the City limits from PC/Planned Commercial to A-2/Parks, Estates and Agricultural. These areas are shown on the attached map.</p>		
<b>Background</b>		
<p>In order for the City to have better control of the Highway 6/Interstate 80 interchange area, the Community Development Department is proposing a series of rezoning actions. This rezoning deals with the east side of the interstate, north and south of Highway 6/East Kanesville.</p> <p>The parcel on the north side of Highway 6 was zoned PC/Planned Commercial when it was annexed into the City in 1969 to allow the development of a shopping center. In September, 1980, it was rezoned to R-4/Multi-Family Residential with a Planed Residential Overlay for the purpose of a retirement village. The area on the south side of the highway was zoned A-2 when annexed and rezoned to PC/Planned Commercial in June, 1976. This area was to be developed as a regional shopping center to be known as East Hills.</p> <p>With the exception of the State office at 2025 Hunt Avenue, the subject property is currently vacant/undeveloped. The majority of the surrounding property is also undeveloped, except for large lot residential uses to the east and southeast. Surrounding zoning is shown on the attached map.</p> <p>No adverse comments have been received from any City department or utility.</p> <p>Other than the State office, the property is owned by Iowa District West of The Lutheran Church. They have contacted staff requesting additional information. No opposition to the proposed rezoning was indicated. Two property owners within 200 feet have also requested additional information.</p>		
<b>Comments</b>		
<p>The subject parcels were rezoned many years ago to allow large residential and commercial developments. Those developments never took place and the property remains vacant. Water and sanitary sewer are not available within the immediate area. They would need to be extended from the west at the intersection of Highway 6 and Railroad Highway/Mosquito Creek or from the east at Bent Tree Estates.</p> <p>The A-2 district is intended to preserve lands best suited for agricultural, recreational and large-parcel residential uses. It is also intended to preserve land suited for eventual development, pending proper timing for economical and practical provisions of streets, utilities, schools and other facilities so that reasonably compact development will occur.</p>		
<b>Recommendation</b>		
<p>The Community Development Department recommends rezoning the above described properties from R-4/PR and PC to A-2/Parks, Estates and Agricultural for the reasons as stated.</p>		
<b>Public Hearing</b>		
<p>Gayle Malmquist appeared before the Planning Commission in favor of the request. Dennis Sievers, 17878 Sunnydale, asked about future development adjacent to his land and the potential for annexation.</p>		
<b>Planning Commission Recommendation</b>		
<p>The Planning Commission recommends rezoning the properties as described in the caption from R-4/PR and Planned Commercial (PC) to A-2/Parks, Estates and Agricultural for the reasons as stated.</p>		
<p><b>VOTE:</b> AYE 9    NAY 0    ABSTAIN 0    ABSENT 2    Motion: Carried</p>		
<p><b>Attachments:</b> Map showing proposed rezoning area.</p> <p><b>Prepared By:</b> Rebecca Sall, Planning Technician, Community Development Department.</p>		







Prepared by: City of Council Bluffs Legal Department, 209 Pearl Street, Council Bluffs, IA 51503 (712) 328-4620  
Return to: City Clerk, 209 Pearl Street, Council Bluffs, IA 51503

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ORDINANCE NO. 6084

AN ORDINANCE TO AMEND THE ZONING MAP OF THE CITY OF COUNCIL BLUFFS, IOWA, AS ADOPTED BY REFERENCE IN SECTION 15.02.040 OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY CHANGING THE DISTRICT DESIGNATION OF PROPERTY LYING EAST OF I-80 AND NORTH OF HIGHWAY 6/EAST KANSVILLE BOULEVARD FROM R-4/HIGH DENSITY MULTI-FAMILY RESIDENTIAL WITH A PLANNED RESIDENTIAL OVERLAY TO A-2/PARKS, ESTATES AND AGRICULTURAL; AND PROPERTY LYING EAST OF I-80, SOUTH OF HIGHWAY 6/EAST KANSVILLE BOULEVARD AND NORTHWEST OF THE CITY LIMITS FROM PC/PLANNED COMMERCIAL TO A-2/PARKS, ESTATES AND AGRICULTURAL, AS SET FORTH AND DEFINED IN CHAPTERS 15.11, 15.18 AND 15.05 OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA.

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That the Zoning Map of the City of Council Bluffs, Iowa, as adopted by reference in Section 15.02.040 of the Municipal Code of the City of Council Bluffs, Iowa, be and the same is hereby amended by changing the district designation of property located on the east side of I-80, north and south of Highway 6/East Kanesville Boulevard, as shown on the attached map, as follows:

The S½ NW¼ and the N½ SW¼ of Section 22-75-43 lying East of I-80 and North of Highway 6/East Kanesville Boulevard from R-4/High Density Multi-Family Residential with a Planned Residential Overlay to A-2/Parks, Estates and Agricultural; and the SW¼ of Section 22-75-43, the SE¼ SE¼ of Section 21-75-43, the NW¼ NW¼ of Section 27-75-43 and the NE¼ NE¼ of Section 28-75-43, all lying East of I-80, South of Highway 6/East Kanesville Boulevard and Northwest of the City limits from PC/Planned Commercial to A-2/Parks, Estates and Agricultural.

SECTION 2. Repealer. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after its final passage, approval and publication, as by law provided.

PASSED  
AND  
APPROVED \_\_\_\_\_, 2010

\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

ATTEST: \_\_\_\_\_  
MARCIA L. WORDEN City Clerk

FIRST CONSIDERATION: May 24, 2010  
SECOND CONSIDERATION: June 14, 2010  
PUBLIC HEARING: June 14, 2010  
THIRD CONSIDERATION: \_\_\_\_\_

### Council Communication

Department: Community Development Case #ZT-10-004 Applicant: W-C Investment Company, Inc. 2301 North Broadway Council Bluffs, IA 51503	Ordinance No. <u>6085</u>	City Council: May 24, 2010 Planning Commission Meeting: May 11, 2010
<b>Subject/Title</b> Amend Chapter 15.15 – C-2 Commercial District of the Municipal Code (Zoning Ordinance) to add ‘Funeral service’ as a principal use in §15.15.020 as shown in Attachment ‘A’.		
<b>Background/Discussion</b> <p>The applicant is requesting an amendment to the text to allow ‘Funeral service’ as a permitted use on the C-2 Commercial District. W-C Investment Company, Inc. owns the former Hardiman Greenhouse at 1221 North 16<sup>th</sup> Street which is currently zoned C-2. They wish to remove the existing structures and build a new mortuary. Additional information is included in the first page of the letter dated April 5, 2010 from the applicant’s representative, Roger L. Sawatzke as well as a comparison of the permitted uses in several districts. Plans for future construction were also provided and are available for your review.</p> <p>‘Funeral service’ as defined in §15.03.285 is an ‘Establishment engaged in undertaking services such as preparing the human dead for burial, arranging funeral services and managing funerals. Typical uses include funeral homes or mortuaries.’</p> <p>Text amendments apply to all land in that zoning district, not just the subject property. Funeral services are permitted in the A-P/Administrative Professional District and the C1, C-3 and C-4 Commercial Districts. The rationale for not including funeral services in the C-2 District is unknown. Adding it as a principal use seems consistent with intent of the district to provide services to the community and adjacent residential neighborhoods adjacent to major traffic corridors. Due to the need for adequate parking, consideration should be given to removing funeral services as a principal use in the C-1/Neighborhood Commercial District.</p>		
<b>Recommendation</b> The Community Development Department recommends amending Chapter 15.15 - C-2 Commercial District of the Municipal Code (Zoning Ordinance) to add ‘Funeral service’ as a principal use in §15.15.020 as shown in Attachment ‘A’.		
<b>Public Hearing</b> Roger Sawatzke, representing Bill Kilnoski appeared before the Planning Commission in favor of the request. No one appeared in opposition.		
<b>Planning Commission Recommendation</b> The Planning Commission recommends amending Chapter 15.15 - C-2 Commercial District of the Municipal Code (Zoning Ordinance) to add ‘Funeral service’ as a principal use in §15.15.020 as shown in Attachment ‘A’.		
VOTE: AYE 9    NAY 2    ABSTAIN 0    ABSENT 2    Motion: Carried		
Attachment ‘A’ and documents included with the application.		
Representative: Roger L. Sawatzke, 229 South Main St., Council Bluffs, IA 51503		
Prepared by: Gayle M. Malmquist, Development Services Coordinator		

**Chapter 15.15****C-2 COMMERCIAL DISTRICT****Sections:**

<b>15.15.010</b>	<b>Statement of intent</b>
<b>15.15.020</b>	<b>Principal uses</b>
<b>15.15.030</b>	<b>Conditional uses</b>
<b>15.15.040</b>	<b>Accessory uses</b>
<b>15.15.050</b>	<b>Site development regulations</b>
<b>15.15.060</b>	<b>Additional regulations</b>
<b>15.15.070</b>	<b>Signs</b>

**15.15.010 Statement of intent.** The C-2 district is intended to provide for major commercial retail shopping and service areas adjacent to major traffic corridors. This district also provides a variety of commercial services to the community and adjacent residential neighborhoods.

**15.15.020 Principal uses.** The following principal uses shall be permitted outright in a C-2 district:

01. Automobile repair, minor
02. Automobile service establishment
03. Building material, retail sales only
04. Business, professional office
05. Business service establishment
06. Club or lodge
07. Commercial recreation (indoor and outdoor)
08. Consumer service establishment
09. Contractor shop
10. Cultural service
11. Financial service
12. General government use
13. Hotel/motel
14. Kennel, commercial
15. Local utility service
16. Park and recreation services
17. Pawn shops
18. Printing, binding, and mail operations (50,000 sq ft or less)
19. Private and public parking lots
20. Public safety services
21. Religious assembly
22. Restaurant (drive-in/fast food, limited and general)
23. Retail shopping establishment
24. School
25. Second hand store
26. Tattoo parlor
27. Tavern, as limited by Section 15.15.060
28. Veterinary service

29. Warehousing and distribution, limited (50,000 sq ft or less)

30. Funeral service

**15.15.030 Conditional uses.** The following conditional uses shall be permitted in a C-2 District, in accordance with the requirements set forth in Chapter 15.27.

01. Adult entertainment, as further limited by Section 15.15.060.
  02. Automobile repair, major
  03. Automobile sales and rental, as further limited by Section 15.15.060
  04. Commercial storage
  05. Communication tower
  06. Day care services
  07. Manufacturing, light (50,000 sq ft or less)
- (Ord. #6026, Sec. 2, 2/23/09)

**15.15.040 Accessory uses.** The following accessory uses shall be permitted in a C-2 district:

01. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

#### **15.15.050 Site development regulations**

##### Minimum Lot size

Lot area: 5,000 square feet

Lot width: 50 feet

Lot depth: 100 feet

<u>Minimum Setbacks</u> <u>Structure</u>	<u>Principal Structure</u>	<u>Accessory</u>
Front yard:	15 feet	15 feet
Interior side yard:	5 feet	5 feet
Street side yard:	10 feet	10 feet
Rear yard:	10 feet	10 feet
Maximum height:	50 feet	18 feet

Lot coverage-all structures: 60% maximum

#### **15.15.060 Additional Regulations**

01. None of the adult entertainment activities as defined in Chapter 15.03 shall be located within one thousand (1,000) feet of any other such use, nor shall any such use be located within three hundred (300) feet of any school, place of religious assembly, public park, or residential district.



02. No tavern shall be located within two hundred (200) feet of any school, place of religious assembly, public park, or any conforming residential use. Distance shall be measured between the closest points from lot line to lot line.

Exception: Taverns which do not exceed three thousand (3,000) total square feet shall not be restricted by conforming multi-family residential uses, and the required two hundred (200) feet distance from other conforming residential uses shall be measured from the limit of the licensed premises, as set out in the liquor license application, to the property line in the liquor license application, to the property line of the conforming residential use.

03. Parking for automobile sales and rental facilities shall include space for both visitor parking and sale display area. One space is required for each vehicle available for sale, lease or rental at one time with additional parking based on the size of the building used for sales and accessory repairs and service.  
Ord. #6026, Sec. 3, 2/23/09.

**15.15.070 Signs.** Signage in this district shall comply with Chapter 15.33 'Signs' (Ord. 5458, Sec. 2, 7/99)

**ATTACHMENT 'A'**  
**CASE #ZT-10-004**

**Chapter 15.15**

**C-2 COMMERCIAL DISTRICT**

**Sections:**

<b>15.15.010</b>	<b>Statement of intent</b>
<b>15.15.020</b>	<b>Principal uses</b>
<b>15.15.030</b>	<b>Conditional uses</b>
<b>15.15.040</b>	<b>Accessory uses</b>
<b>15.15.050</b>	<b>Site development regulations</b>
<b>15.15.060</b>	<b>Additional regulations</b>
<b>15.15.070</b>	<b>Signs</b>

**15.15.010 Statement of intent.** The C-2 district is intended to provide for major commercial retail shopping and service areas adjacent to major traffic corridors. This district also provides a variety of commercial services to the community and adjacent residential neighborhoods.

**15.15.020 Principal uses.** The following principal uses shall be permitted outright in a C-2 district:

01. Automobile repair, minor
02. Automobile service establishment
03. Building material, retail sales only
04. Business, professional office
05. Business service establishment
06. Club or lodge
07. Commercial recreation (indoor and outdoor)
08. Consumer service establishment
09. Contractor shop
10. Cultural service
11. Financial service
12. General government use
13. Hotel/motel
14. Kennel, commercial
15. Local utility service
16. Park and recreation services
17. Pawn shops
18. Printing, binding, and mail operations (50,000 sq ft or less)
19. Private and public parking lots
20. Public safety services
21. Religious assembly
22. Restaurant (drive-in/fast food, limited and general)
23. Retail shopping establishment
24. School
25. Second hand store

26. Tattoo parlor
27. Tavern, as limited by Section 15.15.060
28. Veterinary service
29. Warehousing and distribution, limited (50,000 sq ft or less)
30. Funeral service

**15.15.030 Conditional uses.** The following conditional uses shall be permitted in a C-2 District, in accordance with the requirements set forth in Chapter 15.27.

01. Adult entertainment, as further limited by Section 15.15.060.
  02. Automobile repair, major
  03. Automobile sales and rental, as further limited by Section 15.15.060
  04. Commercial storage
  05. Communication tower
  06. Day care services
  07. Manufacturing, light (50,000 sq ft or less)
- (Ord. #6026, Sec. 2, 2/23/09)

**15.15.040 Accessory uses.** The following accessory uses shall be permitted in a C-2 district:

01. Uses of land or structure customarily incidental and subordinate to one of the principal uses, unless otherwise excluded.

#### **15.15.050 Site development regulations**

##### Minimum Lot size

Lot area:	5,000 square feet
Lot width:	50 feet
Lot depth:	100 feet

<u>Minimum Setbacks</u> <u>Structure</u>	<u>Principal Structure</u>	<u>Accessory</u>
Front yard:	15 feet	15 feet
Interior side yard:	5 feet	5 feet
Street side yard:	10 feet	10 feet
Rear yard:	10 feet	10 feet
Maximum height:	50 feet	18 feet
Lot coverage-all structures: 60% maximum		

### **15.15.060 Additional Regulations**

01. None of the adult entertainment activities as defined in Chapter 15.03 shall be located within one thousand (1,000) feet of any other such use, nor shall any such use be located within three hundred (300) feet of any school, place of religious assembly, public park, or residential district.

02. No tavern shall be located within two hundred (200) feet of any school, place of religious assembly, public park, or any conforming residential use. Distance shall be measured between the closest points from lot line to lot line.

Exception: Taverns which do not exceed three thousand (3,000) total square feet shall not be restricted by conforming multi-family residential uses, and the required two hundred (200) feet distance from other conforming residential uses shall be measured from the limit of the licensed premises, as set out in the liquor license application, to the property line in the liquor license application, to the property line of the conforming residential use.

03. Parking for automobile sales and rental facilities shall include space for both visitor parking and sale display area. One space is required for each vehicle available for sale, lease or rental at one time with additional parking based on the size of the building used for sales and accessory repairs and service.  
Ord. #6026, Sec. 3, 2/23/09.

**15.15.070 Signs.** Signage in this district shall comply with Chapter 15.33 'Signs' (Ord. 5458, Sec. 2, 7/99)

# Law Offices of Roger L. Sawatzke

Roger L. Sawatzke\*  
Helen M. Savage\*\*

\*Admitted in Iowa & Nebraska

\*\*Admitted in Iowa & Illinois

229 South Main Street  
Council Bluffs, IA. 51503  
Office: (712) 325-4000  
Facsimile: (712) 325-5555  
www.sawatzkelaw.com

April 5, 2010

Gayle Malmquist  
Development Services Coordinator  
City of Council Bluffs Community Development  
403 Willow  
Council Bluffs, IA 51503

RE: Zoning Text Amendment Request  
Property Address: 1221 North 16<sup>th</sup> Street  
Council Bluffs, IA

Dear Ms. Malmquist:

I write on behalf of my client W-C Investment Co., Inc., an Iowa corporation wholly owned by Mr. Walter A. "Bud" Kilnoski.

The property at 1221 North 16<sup>th</sup> Street, Council Bluffs, Iowa is owned by W-C Investment Co., Inc. and is currently zoned C-2. W-C Investment Co., Inc. requests a text amendment to the Municipal Code to include "funeral services" to section 15.15.020 of the Council Bluffs Municipal Code. W-C Investment Co., Inc. has authorized Roger L. Sawatzke, Attorney at Law, to file this application on its behalf (authorization attached).

The property was previously used as a greenhouse for many years and most recently for a Pool and Spa showroom and sales. While used as Pool and Spa sales it employed 1- 3 people. This property has been vacant for several months. The property is currently assessed at an estimated value of \$400,000. The current annual tax levy is \$17,330.

Mr. Kilnoski wishes to demolish the present structure and construct a new funeral home on this property. The completed structure will have an estimated assessed value of 2.5 to 3 million dollars. This project would generate estimated tax revenue for the City of Council Bluffs of \$108,000 to \$130,000 per year. The new business would create approximately 6 full-time and 12-15 part-time positions.

CITY OF COUNCIL BLUFFS  
Date / Time : 04/05/10 16:03  
Payment : \$ 150.00  
Receipt # : 203748  
Check/Credit Card #: 23594  
Clerk : palbright  
Paid By : LAW OFFICE OF ROGER



### Zoning Similarities and Differences

C- 1 Zoning	C-2 Zoning	C-3 Zoning
<ul style="list-style-type: none"> <li>• Business, professional office;</li> <li>• Business service establishment;</li> <li>• Club or lodge;</li> <li>• Commercial recreation (indoor);</li> <li>• Consumer service establishment;</li> <li>• Cultural service;</li> <li>• Financial service;</li> <li>• General government use;</li> <li>• Hotel/motel;</li> <li>• Parks and recreation service;</li> <li>• Private parking lot;</li> <li>• Public parking lot;</li> <li>• Religious assembly;</li> <li>• Restaurant (limited);</li> <li>• Retail shopping establishment;</li> <li>• School;</li> </ul>	<ul style="list-style-type: none"> <li>• Business, professional office;</li> <li>• Business service establishment;</li> <li>• Club or lodge;</li> <li>• Commercial recreation (indoor);</li> <li>• Consumer service establishment;</li> <li>• Cultural service;</li> <li>• Financial service;</li> <li>• General government use;</li> <li>• Hotel/motel;</li> <li>• Parks and recreation service;</li> <li>• Private parking lot;</li> <li>• Public parking lot;</li> <li>• Religious assembly;</li> <li>• Restaurant (limited);</li> <li>• Retail shopping establishment;</li> <li>• School;</li> </ul>	<ul style="list-style-type: none"> <li>• Business, professional office;</li> <li>• Business service establishment;</li> <li>• Club or lodge;</li> <li>• Commercial recreation (indoor);</li> <li>• Consumer service establishment;</li> <li>• Cultural service;</li> <li>• Financial service;</li> <li>• General government use;</li> <li>• Hotel/motel;</li> <li>• Parks and recreation service;</li> <li>• Private parking lot;</li> <li>• Public parking lot;</li> <li>• Religious assembly;</li> <li>• Restaurant (limited);</li> <li>• Retail shopping establishment;</li> <li>• School;</li> </ul>
<ul style="list-style-type: none"> <li>• <b>Funeral service;</b></li> <li>• Local utility service;</li> <li>• Veterinary service.</li> </ul>	<ul style="list-style-type: none"> <li>• Automobile repair, minor;</li> <li>• Automobile service establishment;</li> <li>• Building material, retail sales only;</li> <li>• Contractor shop;</li> <li>• Kennel, commercial;</li> <li>• Local utility service;</li> <li>• Pawn shops;</li> <li>• Printing, binding, and mail operations (fifty thousand (50,000) square feet or less);</li> <li>• Public safety services;</li> <li>• Secondhand store;</li> <li>• Tattoo parlor;</li> <li>• Tavern, as limited by Section 15.15.060;</li> <li>• Veterinary service;</li> <li>• Warehousing and distribution, limited (fifty thousand (50,000) square feet or less).</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Funeral service;</b></li> <li>• Automobile service establishment;</li> <li>• Hospital;</li> <li>• Mixed commercial/residential structure;</li> <li>• Newspaper printing;</li> <li>• Pawn shop;</li> <li>• Secondhand store;</li> <li>• Tavern.</li> </ul>

ORDINANCE NO 6085

AN ORDINANCE TO AMEND CHAPTER 15.15 "C-2 COMMERCIAL DISTRICT" OF THE MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.15.020 "PRINCIPAL USES", TO ADD FUNERAL SERVICE.

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Chapter 15.15 "C-2 Commercial District" of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing Section 15.15.020 "Principal uses" and enacting a new Section 15.15.020, entitled "Principal uses", to read as follows:

"15.15.020 Principal uses". The following principal uses shall be permitted outright in a C-2 district:

- (1) Automobile repair, minor;
- (2) Automobile service establishment;
- (3) Building material, retail sales only;
- (4) Business, professional office;
- (5) Business service establishment;
- (6) Club or lodge;
- (7) Commercial recreation (indoor and outdoor);
- (8) Consumer service establishment;
- (9) Contractor shop;
- (10) Cultural service;
- (11) Financial service;
- (12) General government use;
- (13) Hotel/motel;
- (14) Kennel, commercial;
- (15) Local utility service;
- (16) Park and recreation services;
- (17) Pawn shops;
- (18) Printing, binding, and mail operations (50,000 square feet or less);
- (19) Private and public parking lots;
- (20) Public safety services;
- (21) Religious assembly;
- (22) Restaurant (drive-in/fast food, limited and general);
- (23) Retail shopping establishment;
- (24) School;
- (25) Secondhand store;
- (26) Tattoo parlor;
- (27) Tavern, as limited by Section 15.15.060;
- (28) Veterinary service;
- (29) Warehousing and distribution, limited (50,000 square feet or less);
- (30) Funeral service."

ORDINANCE NO. \_\_\_\_\_

PAGE TWO

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ord. 6026, Section 1, 2009.

SECTION 5. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 6. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED  
AND \_\_\_\_\_, 2010  
APPROVED

\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

ATTEST: \_\_\_\_\_  
MARCIA L. WORDEN City Clerk

First Consideration: May 24, 2010  
Second Consideration: June 14, 2010  
Public Hearing: June 14, 2010  
Third Consideration: \_\_\_\_\_

Planning Case ZT-10-004

## Council Communication

<b>Department:</b> Community Development <b>Applicant:</b> Legal Department <b>Case No.</b> ZT-10-005	<b>Ordinance No.</b> <u>6086</u>	<b>City Council Meeting:</b> 5-24-10 <b>Planning Commission:</b> 5-11-10 <b>First Reading</b> 5/24/2010 <b>Second Reading</b> 6/14/2010 <b>Third Reading</b> _____
<b>Subject/Title</b>		
<p>Amend Chapter 15.26 – Nonconformities - Municipal Code (Zoning Ordinance) as follows:</p> <ol style="list-style-type: none"><li>1. Amend §15.26.030 ‘Nonconforming uses’ to add new item .06 as follows: ‘For purposes of this chapter, the addition of an outdoor area of less than 150 square feet for purposes of adding an outdoor dining or open air tavern area to a pre-existing liquor license establishment shall not be deemed an enlargement of a pre-existing use’.</li><li>2. Amend §15.26.060.04 ‘Nonconforming uses’. Change reference from Chapter 15.27 to Chapter 15.02.</li><li>3. Amend §15.26.060 ‘Powers of board of adjustment as to nonconformities.’ Change reference from Chapter 15.27 to Chapter 15.02.</li></ol> <p>See Attachment ‘A’. New text is <u>underlined</u>. Text to be removed is <del>struck through</del>.</p>		
<b>Background/Discussion</b>		
<p>The Legal Department is seeking an amendment to the Chapter on Nonconformities in the Zoning Ordinance to exempt an enlargement to nonconforming liquor license establishments, if the structure is less than 150 square feet and constructed for the purpose of adding an outdoor dining or open air tavern area.</p> <p>Changes in State law regarding smoking have caused both tavern operators and restaurants to look for ways to create a separate outdoor smoking area. Changes made to allow outdoor facilities in the 100 Block of West Broadway, led operators in other parts of the City to seek a similar opportunity. Some existing taverns, due to their relationship to residentially zoned property, cannot create a smoking area because, as a legally nonconforming use, they are not able to expand. This request would exempt an expansion of 150 square feet or less.</p> <p>According to the Fire Department, capacity for a 150 square expansion is 10 people with table/chairs and 21 standing. The total capacity of the interior and the expanded outdoor area cannot exceed the exiting capacity of the structure. Access must be from the interior. Hours of use are regulated by the liquor license. Location of the expansion in relation to nearby residential use is also a liquor license/expansion of premises issue. In addition to meeting all Zoning and Building Code requirements, the expansion needs to be situated farthest from any residential use. The liquor licensing process must regulate this.</p> <p>The authority and process for actions by the Zoning Board of Adjustment, including action on nonconformities were moved from Chapter 15.27 to Chapter 15.02 in October of 2008. The last two changes are to make those references consistent with the Zoning Ordinance as amended.</p>		
<b>Recommendation</b>		
<p>The Community Development Department recommends amending Chapter 15.26 - Nonconformities of the Municipal Code (Zoning Ordinance) as shown in Attachment ‘A’, with additional concerns addressed through the liquor licensing process.</p>		
<b>Public Hearing</b>		
<p>Dick Wade appeared before the Planning Commission in favor of the request. No one appeared in opposition.</p>		
<b>Planning Commission Recommendation</b>		
<p>The Planning Commission recommends amending Chapter 15.26 - Nonconformities of the Municipal Code (Zoning Ordinance) as shown in Attachment ‘A’</p>		
<p>VOTE: AYE 9    NAY 0    ABSTAIN 0    ABSENT 2    Motion: Carried</p>		
<b>Attachment ‘A’</b>		
Prepared by: Gayle M. Malmquist, Development Services Coordinator		

Chapter 15.26

NONCONFORMITIES

Sections:

<b>15.26.010</b>	<b>Purpose and intent</b>
<b>15.26.020</b>	<b>Nonconforming lots</b>
<b>15.26.030</b>	<b>Nonconforming uses</b>
<b>15.26.040</b>	<b>Nonconforming structures</b>
<b>15.26.050</b>	<b>Exceptions</b>
<b>15.26.060</b>	<b>Powers of board of adjustment as to nonconformities</b>

**15.26.010 Purpose and intent.** Within the districts established by this title, there exist, and will in the future come into existence, lots, structures, and uses, which were lawful before the effective date of this title but which would be prohibited, regulated or restricted under the terms of this title or future amendments to it. The intent of this chapter is:

01. To allow for reasonable use of legally created lots of record which do not meet current minimum requirements of their respective zoning districts.
02. To provide for reasonable use of legally constructed structures which do not meet current minimum requirements of their respective zoning districts.
03. To allow for the reasonable continuation of legally established uses which do not meet current use regulations of their respective zoning districts.
04. To limit the continuation and provide for the gradual elimination of nonconforming uses.

**15.26.020 Nonconforming lots.**

01. Pre-existing lots of record. Nonconforming lots of record existing at the effective date of this chapter shall be exempt, unless otherwise provided, from the minimum lot area and lot width requirements of each zoning district. Such lots may be developed with any principal use allowed by the regulations for the district and must comply with all other density regulations set forth by this title.
02. Reduction due to public acquisition. If a portion of a legally existing lot in any district is acquired for public use, the remainder of this lot shall be considered a conforming lot.

**15.26.030 Nonconforming uses.** Any legal nonconforming use existing on the effective date of this chapter may continue subject to the limitations of this section.



01. Enlargement of nonconforming use. No nonconforming use shall be extended or enlarged to occupy a greater area of land or structure. No additional structure not conforming to the requirements of this title shall be erected in connection with a legal nonconforming use.
02. Abandonment of nonconforming use. If any nonconforming use ceases for a continuous period of more than six months, any subsequent use shall conform to the regulations of this title.
03. Relocation of nonconforming use. No nonconforming use shall be moved in whole or in part to any other location, unless the nonconforming use meets the requirements of this title.
04. Change of use. A legal nonconforming use may be changed only as allowed in Chapter 15.27 02 of this title.
05. Allowance for repairs. If a structure occupied by a nonconforming use becomes unsafe for use and is declared by an authorized official to be unsafe for use, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of this title. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an authorized official. When a structure containing a nonconforming use is damaged to an extent of fifty percent or less of the replacement cost, the structure shall be allowed to continue if actual construction to repair it is commenced within six months of the date the damage was incurred, and the work is carried on diligently to completion within one year of this commencement.
06. For purposes of this chapter, the addition of an outdoor area of less than 150 square feet for purposes of adding an outdoor dining or open air tavern area to a pre-existing liquor license establishment shall not be deemed an enlargement of a pre-existing use.

**15.26.040 Nonconforming structure.** Where a structure lawfully exists upon the effective date of this chapter that could not be built under the terms of this title by reason of requirements on area, lot coverage, setbacks, and height, the structure may continue in existence as long as it remains otherwise lawful, subject to the following limitations:

01. Enlargement of nonconforming structure. No nonconforming structure may be enlarged or altered in any way which increases its nonconformity; however, a nonconforming structure may be altered to decrease its nonconformity.
02. Repair of nonconforming structure. Should a nonconforming structure or a portion of a nonconforming structure be destroyed by any means to an extent of more than fifty percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this title.
03. Moving of nonconforming structure. Any nonconforming structure that is moved shall conform to the regulations of the district in which it is located after it is moved.

04. Conversion of a conforming building. A conforming building shall not be changed in any way which will create a nonconforming lot, use or structure.

**15.26.050 Exceptions.** Any legal nonconforming residential use of a structure may be enlarged to the extent that an otherwise conforming residential use of a structure could be enlarged under the zoning regulations of the most restricted residential district in which such residential use of a structure would be permitted as a principal use. Any accessory use to a legal nonconforming residential use may be established or enlarged to the extent that such accessory use to a conforming residential use could be established or enlarged under the zoning regulations for the most restricted residential district in which such residential use would be permitted as a principal use. However, any such enlargement that does not conform under the terms of this title by reason of restriction on area, lot coverage, setbacks, height or other requirements of the most restricted residential district in which such use of a structure would be permitted as a principal or accessory use shall not be allowed.

**15.26.060 Powers of board of adjustment as to nonconformities.** See Chapter 15.27 02 of this title.  
(Ord. 5315, Sec. 4, 2/97)

ORDINANCE NO. 6086

AN ORDINANCE TO AMEND CHAPTER 15.26 "NONCONFORMITIES" OF THE 2005 MUNICIPAL CODE OF COUNCIL BLUFFS, IOWA, BY AMENDING SECTION 15.26.030 "NONCONFORMING USES", TO ALLOW THE ADDITION OF AN OUTDOOR AREA OF LESS THAN 150 SQUARE FEET FOR THE PURPOSE OF ADDING AN OUTDOOR DINING OR OPEN AIR TAVERN TO A PRE-EXISTING LIQUOR LICENSE ESTABLISHMENT WITHOUT BEING DEEMED AN ENLARGEMENT OF A PRE-EXISTING USE; AND BY AMENDING SECTIONS 15.26.030(4) AND 15.26.060 TO UPDATE THE REFERENCE FROM CHAPTER 15.27 TO CHAPTER 15.02.

BE IT ORDAINED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

SECTION 1. That Chapter 15.26 "Nonconformities" of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing and reenacting Section 15.26.030 "Nonconforming uses", to read as follows:

"15.26.030 Nonconforming uses". Any legal nonconforming use existing on the effective date of the ordinance codified in this chapter may continue subject to the limitations of this section.

- (1) Enlargement of Nonconforming Use. No nonconforming use shall be extended or enlarged to occupy a greater area of land or structure. No additional structure not conforming to the requirements of this title shall be erected in connection with a legal nonconforming use.
- (2) Abandonment of Nonconforming Use. If any nonconforming use ceases for a continuous period of more than six months, any subsequent use shall conform to the regulations of this title.
- (3) Relocation of Nonconforming Use. No nonconforming use shall be moved in whole or in part to any other location, unless the nonconforming use meets the requirements of this title.
- (4) Change of Use. A legal nonconforming use may be changed only as allowed in Chapter 15.2702 of this title.
- (5) Allowance for Repairs. If a structure occupied by a nonconforming use becomes unsafe for use and is declared by an authorized official to be unsafe for use, it shall not thereafter be restored, repaired or rebuilt except in conformity with the regulations of this title. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by an authorized official. When a structure containing a nonconforming use is damaged to an extent of fifty (50) percent or less of the replacement cost, the structure shall be allowed to continue if actual construction to repair it is commenced within six months of the date the damage was incurred, and the work is carried on diligently to completion within one year of this commencement.
- (6) For purposes of this chapter, the addition of an outdoor area of less than 150 square feet for purposes of adding an outdoor dining or open air tavern area to a pre-existing liquor license establishment shall not be deemed an enlargement of a pre-existing use."

SECTION 2. That Chapter 15.26 “Nonconformities” of the 2005 Municipal Code of Council Bluffs, Iowa, be and the same is hereby amended by repealing and reenacting Section 15.26.060 “Powers of board of adjustment as to nonconformities”, to read as follows:

“15.26.060 Powers of board of adjustment as to nonconformities. See Chapter 15.~~27~~ 02 of this title.”

SECTION 3. REPEALER. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed. This is Ordinance No. 5315, Section 4 (part) 1997.

SECTION 4. SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason declared illegal or void, then the lawful provisions of this ordinance which are severable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

SECTION 5. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its final passage and publication, as by law provided.

PASSED  
AND \_\_\_\_\_, 2010  
APPROVED

\_\_\_\_\_  
THOMAS P. HANAFAN Mayor

ATTEST: \_\_\_\_\_  
MARCIA L. WORDEN City Clerk

First Consideration: 5/24/2010  
Second Consideration: 6/14/2010  
Public Hearing: 6/14/2010  
Third Consideration: \_\_\_\_\_

## Council Communication

Department: Police  Case/Project No. N/A  Applicant. City of Council Bluffs	Ordinance No. Resolution No. <u>10-159</u>	Council Action: <u>5/24/2010</u> Public Hearing: <u>6/14/2010</u>
<b>Subject/Title</b>		
Edward Byrne Memorial Justice Assistance JAG Grant, 2010 Local Solicitation		
<b>Background/Discussion</b>		
The Department of Justice has opened the Justice Assistance Grant (JAG) process. Part of the process is to obtain governing body approval to apply for this grant. This grant must be submitted by June 30, 2010.		
<b>Recommendation</b>		
City Council is requested to approve the application to the Department of Justice for the Justice Assistance Grant at the Public Hearing set for June 14, 2010 at 7:00 p.m.		

\_\_\_\_\_  
Department Head Signature

\_\_\_\_\_  
Mayor Signature

RESOLUTION NO. 10-159

A RESOLUTION IN SUPPORT OF THE POLICE DEPARTMENT'S  
APPLICATION FOR A JUSTICE ASSISTANCE GRANT (JAG) AND  
SETTING A PUBLIC HEARING FOR JUNE 14, 2010.

WHEREAS, the City has been presented with the opportunity to apply for a Justice Assistance Grant; and

WHEREAS, it is in the best interest of the City to pursue said grant.

NOW THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA

That the application for funding through the JAG Program is hereby supported by this body; and

BE IT FURTHER RESOLVED

That a Public Hearing be set for June 14, 2010 at 7:00 p.m.

ADOPTED  
AND  
APPROVED

May 24, 2010

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden, City Clerk

## COUNCIL COMMUNICATION

Department: Public Works Ordinance No. \_\_\_\_\_ First Reading May 24, 2010  
Case/Project No.: FY11-13 Resolution No. \_\_\_\_\_  
Applicant: Matthew Cox, City Engineer

### SUBJECT/TITLE

Council consideration of a resolution setting a public hearing for 7:00 p.m. on June 14, 2010, for the Playland Sanitary Sewer Rehab. Project #FY11-13.

### BACKGROUND/DISCUSSION

- The Playland Park area sewer collection system experiences very high infiltration rates during high levels in the Missouri River due to associated high ground water levels.
- The area has experienced sanitary sewer collapses due to the voids caused by the excessive infiltration.
- The area includes over 15,000 lineal feet of sanitary sewer mains, over 65 sanitary sewer manholes and 440 sanitary sewer laterals.
- A study and evaluation of the existing system was conducted using video inspection to determine areas needing total replacement, spot repair and sewer main in-place lining.
- Based on these efforts, a Phase I project was developed which includes 7,500 linear feet of lining and 10 spot repair locations. The area for the improvement is approximately the east and south halves of the Playland Neighborhood shown on the attached map.
- This project is identified as FY11-13 in the CIP and has a budget of \$1,000,000 in sales tax funds.
- The project schedule is as follows:

Set Public Hearing	May 24, 2010
Hold Public Hearing	June 14, 2010
Letting	July 13, 2010
Award	July 26, 2010
Construction Start	Summer, 2010

### RECOMMENDATION

Approval of this resolution.

FY11-13  
PLAYLAND SANITARY SEWER REHAB





**RESOLUTION**  
**NO \_\_\_\_\_**

**RESOLUTION DIRECTING THE CLERK TO PUBLISH NOTICE  
AND SETTING A PUBLIC HEARING ON THE  
PLANS, SPECIFICATIONS, FORM OF CONTRACT  
AND COST ESTIMATE FOR THE  
PLAYLAND SANITARY SEWER REHAB  
FY11-13**

WHEREAS, the City wishes to make improvements known as the  
Playland Sanitary Sewer Rehab., within the City,  
as therein described; and

WHEREAS, the plans, specifications, form of contract and cost  
estimate are on file in the office of the city clerk.

**NOW, THEREFORE, BE IT RESOLVED  
BY THE CITY COUNCIL  
OF THE  
CITY OF COUNCIL BLUFFS, IOWA**

That the City Clerk is hereby ordered to set a public hearing on the plans, specifications, form of  
contract and cost estimate for the Playland Sanitary Sewer Rehab. setting June 14, 2010, at 7:00  
p.m. as the date and time of said hearing.

ADOPTED  
AND  
APPROVED \_\_\_\_\_, 2010

\_\_\_\_\_  
Thomas P. Hanafan, Mayor

ATTEST:

\_\_\_\_\_  
Marcia L. Worden, City Clerk